

**NORTH CAROLINA COMMISSION FOR MENTAL HEALTH,  
DEVELOPMENTAL DISABILITIES AND SUBSTANCE ABUSE SERVICES**

**Advisory Committee Minutes**

**Clarion Hotel  
320 Hillsborough Street  
Raleigh, NC**

**Thursday, January 17, 2008**

**Attending:**

Marvin Swartz, MD, Dorothy Rose Crawford, Ann Forbes, Emily Moore, Ranota Thomas Hall, MD

**Ex-Officio Committee Members:**

Bob Hedrick, Robin Huffman

**Excused:**

Martha Macon, Laura Coker

**Division Staff:**

Steven Hairston, Denise Baker, Marta T. Hester, Andrea Borden, Stephanie Evans, Michelle Edelen, Lynell Otto

**Others:**

Paula Cox Fishman, Sam Hedrick, Erin McLaughlin, Louise G. Fisher, Mary Fraser, Kathryn Moss, John L. Crawford, Fred Johnson

**Handouts:**

1. Draft Workforce Development Initiative Report
2. Draft MHDDSAS Workforce Development Recommendations
3. North Carolina MH/DD/SAS Workforce Analysis Project (Conducted by Behavioral Healthcare Resource Program, School of Social Work, University of North Carolina at Chapel Hill, August 2007)
4. Handout on Powerpoint Presentation, entitled "Access to Health Care for Adults with ID/DD in North Carolina"
5. Handout on Powerpoint Presentation, entitled "Access to Health Care"

**Call to Order:**

The meeting was called to order by Dr. Marvin Swartz at approximately 10:05 am. The delay was due to inclement weather. Following the welcome and introductions, Dr. Swartz reviewed the day's agenda and the minutes from the October 18, 2007 meeting.

*Dr. Swartz indicated that the minutes of the October 18, 2007 meeting could not be approved because a quorum was not in attendance. Minutes were approved by majority vote via electronic mail subsequent to the meeting.*

**Workforce Development Initiative Report:**

Steven Hairston, Chief, Operations Support Section, NC Division of Mental Health, Developmental Disabilities and Substance Abuse Services, informed the Committee that the Division leadership has requested that the section of the report on workers within State Operated Services receive further research and investigation. Based upon this development, Mr. Hairston stated that additional time will be needed to process the report and indicated that the report will likely need further review by the Commission once the additional information has been incorporated.

Dr. Swartz informed the group that he has initiated efforts to get on the agenda of the Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities and Substance Abuse Services to present the Workforce Development Initiative Report there.

**Access to Healthcare:**

Dr. Kathryn Moss and Ms. Mary E. Fraser from the University of North Carolina at Chapel Hill, Cecil G. Sheps Center for Health Services Research, presented a power point presentation on Access to Health Care for Adults with ID/DD in North Carolina and Access to Healthcare: Some Issues and Solutions. Robin Huffman, Executive Director, NC Psychiatric Association, presented a power point presentation on the ICARE Overview.

**Brainstorming Session on Priority Areas for 2008:**

Following lunch, the Advisory Committee members discussed issues to focus on in 2008 following the completion of the Workforce Development Initiative Report. Since a quorum was not present, Dr. Swartz requested that this item be placed on the agenda for discussion again at the April 10, 2008 meeting. He further recommended that dental health be added to the list of suggested priority areas for consideration. Mr. Hairston advised that he will attempt to identify a potential speaker to address this issue at the next meeting. Dr. Swartz noted that the Committee will continue to look at health care issues for consumers of mental health, developmental disabilities and substance abuse services at the next meeting.

Dr. Swartz also shared with the members that they had been asked by the Rules Committee to adopt a resolution on Rule 10A NCAC 26C .0100, *Designation of Facilities for the Custody and Treatment of Involuntary Clients*. The Rules Committee is requesting comments on and adoption of the proposed resolution by the Advisory Committee prior to its presentation to the Commission. The proposed resolution is being considered for submission by the Commission in its advisory capacity to the Secretary. The resolution is outlined below:

January 17, 2008

NC Commission for MHDDSAS Resolution—Designation of Facilities for the Custody and Treatment of Involuntary Clients

Involuntary commitment has long been the most controversial human rights issue in MHDDSAS treatment. In addition, the safe and humane use of seclusion and restraints within involuntary commitment facilities is a focus of national and local concern, prompting the Centers for Medicare and Medicaid Services to issue new strict provisions for implementing and monitoring use of seclusion and restraints within involuntary commitment facilities. Within our state, the safety of consumers in involuntary commitment facilities is a focus of renewed concern and has caused further erosion in the confidence of consumers and families in the MHDDSAS system.

The draft amendment to existing Secretary Rules under Chapter 26C Section .0100 - .0105 Designation of Facilities for the Custody and Treatment of Involuntary Clients proposes extending involuntary commitment facilities to include facilities for:

- Non-hospital Medical Detoxification for Individuals who are Substance Abusers,
- Social Setting Detoxification for Substance Abuse,
- Residential Treatment or Rehabilitation for Individuals with Substance Abuse Disorders and
- Facility Based Crisis for Individuals of all Disability Groups.

Designation of these new facilities, many of which have limited professional staffing and limited to no medical staffing, raises serious concerns about the safety of clients detained involuntarily. In addition, it raises serious concerns about procedural safeguards over involuntary commitment, use of seclusion and restraints, and potential liability under federal EMTALA regulations.

The Commission urges the Secretary of DHHS to suspend implementation of these rules and requests a thorough review of the safety and appropriateness of any new designations of involuntary commitment facilities.

***The Resolution was approved by majority vote via electronic email subsequent to the meeting.***

**Public Comment:**

Louise Fisher advised the Committee members that while the Commission is examining qualification and training requirements, private providers' use of qualified staff should be examined also.

The Committee and Ex-Officio Committee members also discussed several issues during this period including: small providers' ability to deliver services, enhanced benefit services, and Community Support Services. Dr. Swartz questioned who within the Division would be able to respond to some of the questions raised by the committee. Mr. Hairston suggested that Christina Carter, the Division's Implementation Manager, may be able to respond to some of these issues and that he would extend an invitation to her to address the Advisory Committee. Dr. Swartz informed the Advisory Committee that they will work with Mr. Hairston and his staff to compile a list of individuals to speak on some of the issues raised during the discussion.

***There being no further business, the meeting adjourned at 2:10 pm.***